

January 19, 2006

Louisville Metro Planning Commission

Public Hearing

The following items were reviewed by staff and comments provided to the Planning Commission Members in advance of today's meeting. Unless a member of the Commission, the applicant, or an interested party in attendance at today's meeting requests removal of an item from the consent calendar, the Commission considered these items as a group and acted on the entire calendar with a single vote. Conditions and binding elements recommended by staff will be enacted as part of the Commission's action, unless specifically stated otherwise.

DOCKET NO. 1-15-05

Case: 1-15-05, Street Closure Request

Applicant: Deeley Family, LLC
c/o Christopher M. Deeley
418 East Main Street
Louisville, KY 40202

Attorney: H. Douglas Mann
500 West Jefferson Street, 22nd Floor
Louisville, KY 40202

No Engineer/Designer

Location: Unnamed, ten-foot alley Jackson St running
west to its intersection with a 12-foot unnamed
alley

Jurisdiction: Louisville Metro
Council District: 04 - David Tandy

Staff Case Manager: Doris J. Heyman, Associate Planner

Request

Request to close an unnamed ten – foot alley from its western intersection with Jackson Street, running west and turning south to intersect with a 12 - foot unnamed alley, being in Louisville Metro.

Staff Recommendation

APPROVAL

This request has met the requirements of Chapter 6 Part 3 Section 3, Street and Alley Closing of the Land Development Code. Staff recommends this request be forwarded to the **Consent Agenda** of the public hearing on **January 19, 2006** under section 6.3.3 F-4



STAFF COMMENTS:

1. 100% of the adjoining property owners signed, notarized consent to the proposed street closure has been submitted. Under Chapter 6 Part 3 Section 3-F, a public hearing **will not** be required.
2. The applicant states the reason for the request is as follows: "Land owner owns all adjacent property and wishes to incorporate alley into their property."

AGENCY COMMENTS:

Louisville Metro Fire Protection – No objection

Air Pollution Control District - No objection

MSD – No objection

Louisville Gas & Electric- No objection

Planning & Design Services Addressing – No objection

Metro Health Department- No objection

Louisville Water Company – No objection

Public Works – No objection; protect necessary existing easements

TARC- No objection

<i>Policy</i>	<i>Description of Policy</i>	<i>Comments</i>
C2.4	Access and Circulation- Connected Network of Streets/Street Pattern	Staff finds apparent compliance due to substandard size 10' of alley
Guideline 6 Mobility & Transportation	Access to surrounding land uses	Staff finds apparent compliance due to existing adequate access for surrounding land uses

Considerations for Approval of a Street or Alley Closing

1. The considerations for closure of a street are: Adequate Public Facilities:
No closure of any public right of way shall be approved where an identified current or future need for the facility exists.
2. Where existing or proposed utilities are located within the right of way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities.

Proposed Condition of Approval

1. The applicant must submit a deed of consolidation to Planning Commission Staff for review by Legal Counsel prior to recording any ordinance or deed.

Standard Conditions of Approval

1. The closure shall be in accordance with the approved closure plat and agreed upon conditions of approval unless amended by the Planning Commission.
2. All necessary easements are granted or measures must be taken that are requested by an agency, and that no construction of permanent structures shall

be permitted within the easement area, and that such reservation and prohibition also be included in any litigation concerning the street closing.

3. The cost for a street or alley closing, or abandonment of any easement or land dedicated to the use of the public shall be paid by the applicant or developer of proposed project, including cost of improvements to adjacent rights-of-way and/or relocation of utilities within an existing easement

All conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this street closure.

Name

Title

On a motion by Commissioner Howard, the following resolution was adopted:

RESOLVED, That Louisville Metro Planning Commission does hereby **APPROVE** the above listed items on the Consent Calendar subject to the above listed conditions and/or binding elements as recommended by Planning Commission staff.

The vote was as follows:

YES: Commissioners Ernst, Carlson, Howard, Jones, Abstain, Adams, Queenan, Hamilton, and Wells-Hatfield.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

LD&T MINUTES

JANUARY 12, 2006

CONSENT AGENDA ITEMS 2 THRU 5

3) DOCKET NO. 1-15-05

Case:	1-15-05. Street Closure Request
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Jurisdiction:	Louisville Metro
Council District:	04-David Tandy
Applicant:	Deely Family, LLC by H. Douglas Mann Esquire
Case Manager:	Doris J. Heyman, Associate Planner

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MSD – No objection
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LD&T MINUTES

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Metro Health Department- No objection
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**CONSENT AGENDA
ITEMS 2 THRU 5**

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APPROVED: _____
LOUISVILLE METRO PLANNING
COMMISSION

DATE: 1/19/04
BY: [Signature]

A COMPLETE TITLE SEARCH MAY
REVEAL EASEMENTS OR RIGHT-OF-
WAYS NOT SHOWN HEREON.

- "X" Cut
Found



LAND SURVEYOR'S CERTIFICATE:

Surveyor: [Signature] Date: 3/27/95
Job: LB50

Sheet 1 of 1
** TOTAL PAGE.01 **